

**IDAHO BOARD OF MORTICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Conference Call Minutes of 3/6/2018**

**BOARD MEMBERS PRESENT:** Debbie C Mikesell - Chair  
Craig L Geary  
James R. Sommer

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Admin. Support Manager  
Maurie Ellsworth, General Counsel  
Dicsie Gullick, Management Assistant

The meeting was called to order at 2:00 PM MST by Debbie C Mikesell.

**APPROVAL OF MINUTES**

Mr. Geary made a motion to approve the minutes of January 9, 2018. It was seconded by Mr. Sommer. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She informed the Board that Sens. Burgoyne and Den Hartog mentioned to some members of the Boards served by the Bureau that they were looking at potential legislation. The concept would be to allow a person or entity that is alleged to have violated the Board's laws and rules to recover attorney's fees if the person or entity was found to have not violated the Board's laws and rules.

Senate Bill 1316 was introduced in the Senate February 19, 2018. Some designated Board members met with Senators Burgoyne and Den Hartog on February 26 and the Senators said they would like to see comments or proposed amendments. Suggested amendments/comments were provided to them February 27. The bill has been sent to the amending order.

**INTERIM COMMITTEE UPDATE**

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of hearing officers and is also looking at the Idaho Administrative Procedure Act. Draft legislation was presented at the Interim Committee's last meeting that would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The

Bureau submitted a letter to the Committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017.

House Bill 623 would create a central office of hearing officers and repeal and replace the Administrative Procedure Act. It would require appointment of hearing officers earlier in disciplinary cases and require that the case be overseen by a hearing officer. It would change evidentiary standards and the way hearing are conducted, making them more formal. It would eliminate the Board's ability to make or revise findings of fact of the hearing officer and expand the ability of a court to take more evidence and potentially even hold a new trial of a case. All of these changes would increase costs of disciplinary proceedings. Each Board served by the Bureau has designated a member to work with the Bureau and the designated members of other Boards served by the Bureau to follow these issues and to work with the Governor's Office and Legislators as this legislation is considered.

## **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

## **EXECUTIVE ORDER**

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board specialist to work with Mr. Geary to prepare another draft for review at the next conference call.

## **NEW BUSINESS**

**NEXT MEETING** was scheduled for April 4, 2018 at 2:00 PM MDT.

## **THE INTERNATIONAL CONFERENCE ANNUAL MEETING REPORT**

Mr. Geary and Mr. Sommer gave a report on the Conference Annual Meeting that they attended February 27, 2018-March 1, 2018 in New Orleans, LA. They found the conference worthwhile and well-attended, and Mr. Sommer was interested in the examples presented of problems nationwide.

## **NOTICE TO LICENSEES**

Mr. Geary made a motion to approve the expenditure for sending the postcard once the rules go into effect. It was seconded by Mr. Sommer. Motion carried.

Mr. Sommer left the meeting.

## **APPLICATIONS**

Mr. Geary made a motion to approve the following for licensure pending receipt of documents:

MORA-1493

It was seconded by Ms. Mikesell. Motion carried.

## **ADJOURNMENT**

Mr. Geary made a motion to adjourn the meeting at 3:11 PM MST. It was seconded by Ms. Mikesell. Motion carried.

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Debbie C Mikesell, Chair

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Craig L Geary

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James R. Sommer

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Tana Cory, Bureau Chief